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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2005 JUN -3 A 11:19

UNITED STATES OF AMERICA,

:

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

PLAINTIFF,

:

:

v.

:

CIVIL ACTION NO.

2:05CV525-F

:

TWENTY-FIVE FIREARMS AND

:

VARIOUS AMMUNITION,

:

:

DEFENDANT.

:

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, in a civil cause of forfeiture in rem respectfully alleges as follows:

JURISDICTION AND INTRODUCTION

1. Jurisdiction over this In Rem proceeding is predicated upon Title 28, United States Code, Section 1345 and 1355 and Title 18, United States Code, Section 924(d).

2. Venue over this matter is predicated upon Title 28, United States Code, Section 1395.

3. The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), has requested the institution of this civil forfeiture proceeding against the following Defendant firearms and ammunition("Defendants"):

- a. 1 Each (45 CALIBER) Winchester-Western Rounds (7 ROUNDS);
- b. SIG SAUER P230SL Handgun, SN: S065691;
- c. 1 Each (380 CALIBER) UNKNOWN Rounds (15 ROUNDS);
- d. LUGER, Model P08 9mm Pistol, SN: KU3315;
- e. 1 Each (9 CALIBER) UNKNOWN Rounds (8 ROUNDS);
- f. SPRINGFIELD ARMORY, GENESEO, IL, (30-06 CALIBER) M-1 Rifle, SN: 5308186;
- g. Enfield SMLE III, (30-30 CALIBER) Rifle, SN: H0035;
- h. MAUSER, Model 98 Rifle, SN: 16228;
- i. MAUSER, Model P38 Handgun, SN: 4203B;
- j. ARIZAGA, EUSEBIO, Model 99 Rifle, SN: 39468;
- k. UNKNOWN MANUFACTURER, Model 1891 Rifle, SN: 01840;
- l. MOSIN-NAGANT M- 91/30 (7.62 CALIBER) Rifle, SN: 9130-0575;
- m. SPRINGFIELD ARMORY, Model M-1911A1, .45 CALIBER Handgun, SN: N367423;
- n. 1 Each (45 CALIBER) American Ammunition Rounds (7 ROUNDS);
- o. SPRINGFIELD ARMORY, GENESEO, IL, Model M-1911A1 Handgun, SN: N382417;
- p. 1 Each (45 CALIBER) Federal Rounds (9 ROUNDS);
- q. REMINGTON ARMS CO., Model 870 Shotgun, SN: B518476M;
- r. 1 Each (12 CALIBER) Remington Rounds (5 ROUNDS);

- s. REMINGTON ARMS CO., Model 700 Rifle, SN: E6331102;
- t. ARSENAL CO. OF BULGARIA, Model SLR-95, (762 CALIBER) Rifle, SN: AE370546;
- u. 1 Each (762 CALIBER) UNKNOWN Rounds (27 ROUNDS);
- v. Other Firearms Parts, SN:NONE; One 7x62 Caliber Magazine;
- w. ARIZAGA, GASPAR, Model 38 Rifle, SN: 1284676;
- x. MOSIN-NAGANT, Model M-39, (762 CALIBER) Rifle, SN: 86432/26274;
- y. MAUSER, Model M-38 Rifle, SN: 704877;
- z. REMINGTON ARMS CO. Model 1903 A3 (30-06 CALIBER) Rifle, SN: 4120853;
- aa. UNKNOWN MANUFACTURER M1 Carbine Rifle, SN: 7160060;
- bb. 1 Each (30 CALIBER) UNKNOWN Rounds (44 ROUNDS);
- cc. Other Firearm Parts, One magazine .30 CALIBER;
- dd. Enfield, Model 1917, (30-06 CALIBER) Rifle, SN: 16788;
- ee. 1 Each (8 CALIBER) UNKNOWN Rounds (5 ROUNDS);
- ff. MAUSER, Model M-48 (8 CALIBER) Rifle, SN: A14119;
- gg. MOSIN-NAGANT, Model M-91/30 (762 CALIBER) Rifle, SN: 4K175;
- hh. SPRINGFIELD ARMORY, GENESEO, IL M1A Rifle, SN: 165451;
- ii. NORTH CHINA INDUSTRIES SKS Rifle, SN: 1705023;

- jj. NORTH CHINA INDUSTRIES, Model SKS (762 CALIBER) Rifle, SN: H9483;
- kk. 1 Each (762 CALIBER) UNKNOWN Rounds (31 ROUNDS);
- ll. Other Firearm Parts, One 223 Caliber Magazine SN: NONE; and,
- mm. 1 Each (357 CALIBER) UNKNOWN Rounds (15 ROUNDS).

4. ATF commenced an administrative forfeiture proceeding against the Defendants. Timothy Craig Scott ("Scott") filed a claim therein. As a result of Scott's claim, the United States is required to file this civil forfeiture action.

5. The Defendants are subject to forfeiture to the United States under Title 18, United States Code, Section 924(d)(1).

FORFEITURE COUNT

6. Paragraphs 1 through 5 above are alleged and made applicable to this forfeiture count as if fully set forth herein.

7. The Defendants were seized from Scott at his residence in Elmore County, Alabama. Scott pleaded guilty to reckless endangerment in the Circuit Court of Montgomery County, Alabama. Because the reckless endangerment case involved Scott's former wife by operation of law it became a domestic violence offense. Title 18, United States Code, Section 922(g)(9) prohibits persons convicted of a domestic violence offense from possessing firearms and ammunition.

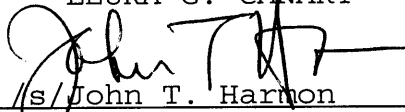
8. Scott had dominion and confed over the residence from which the Defendants were seized and had access to the entire residence. (At the time of the actual seizure, Scott was being held at a mental hospital in Montgomery, Alabama for evaluation). Scott was in actual or constructive possession of the Defendants before and at the time of their seizure.

9. Scott is prohibited from possession of firearms and ammunition by reason of his domestic violence conviction. Scott's actual or constructive possession of the Defendants makes the Defendants subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1).

WHEREFORE, the United States of America requests that the Court issue a Warrant and Summons for the arrest and seizure of the Defendants; that notice of this action be given to all persons known or thought to have an interest in or right against the Defendants; that the Defendants be forfeited and condemned to the United States of America; that the United States of America be awarded its costs and disbursements in this action; and, for such other and further relief as this Court deems proper and just.

Respectfully submitted this the 2nd day of June, 2005.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY



/s/ John T. Harmon

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION


STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

VERIFICATION

I, Sybil R. McNeil, declare under penalty of perjury that I am a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, that I have read the foregoing Verified Complaint and know the contents thereof, and that the matters contained in the Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

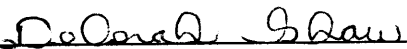
The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct on this 2nd day of June, 2005.



Sybil R. McNeil-Special Agent
United States Bureau of Alcohol,
Tobacco, Firearms and Explosives

Sworn to and subscribed before me this the 2nd day of June,
2005.



Notary Public
Commission Expires: 10.5.05